



STATE OF WASHINGTON

**STATE BUILDING CODE COUNCIL**

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**MINUTES**

**COMBINED BUILDING, FIRE & PLUMBING CODES COMMITTEE  
AND MECHANICAL, VENTILATION & ENERGY CODES COMMITTEE**

**Date:** June 14, 2002  
**Location:** Spokane Public Library  
Spokane, Washington

**Building, Fire & Plumbing Codes Committee Members Present:** Dave Saunders, Chair;  
Rory Calhoun, John Fulginiti; Bill Misocky; Steve Nuttall

**Building, Fire & Plumbing Codes Committee Members Absent:** Jim Lewis, Sue Alden,  
Dale Shafer, Dave Baker

**Mechanical, Ventilation & Energy Codes Committee Members Present:** Stan Price, Chair;  
Bill Misocky; Dave Saunders

**Mechanical, Ventilation & Energy Codes Committee Members Absent:** Jim Lewis,  
Rick Ford, Terry Poe, Dale Shafer

**Other Council Members Present:** Steve Mullet, Chris Endresen

**Visitors Present:** Bob Eugene, Frank Mellas, Rich Leonhardt, John Hogan, Larry Andrews,  
Michael DeVleming, Kraig Stevenson, Brian Minnich, Steve Belzac, Ray Dahl, Larry Stevens,  
Rick Breezee, Dwight Perkins, Jerry Farley, Teri Hotvedt, Dan Sexton, Tom Craig,  
Willy O'Neil, John McDonald, Ed Fields, Wayne Marquess

**Staff Present:** Tim Nogler, Al Rhoades, Krista Braaksma, Patti Thorn

**CALL TO ORDER**

The meeting was called to order at 10:40 a.m. by Dave Saunders. Everyone was welcomed and introductions were made.

## **REVIEW AND APPROVE AGENDA**

The agenda was reviewed and amended to discuss the status of TAG membership under Other Business. Bill Misocky noted that there was a new Energy Code interpretation distributed today. He asked if this would be added to the agenda for action. Dave noted that there was not a quorum of the MVE Committee; therefore, the interpretation could be discussed, but not finalized at this meeting. It was noted that the Council could take final action on it at this afternoon's meeting. The agenda was approved as amended.

## **REVIEW AND APPROVE MINUTES**

The minutes of the March 8, 2002, Building, Fire & Plumbing Codes Committee meeting and the March 8, 2002, Mechanical, Ventilation & Energy Codes Committee meeting were reviewed and approved as written.

## **ADULT FAMILY HOME TAG REPORT**

Steve Nuttall reported that the Adult Family Home Technical Advisory Group (AFH TAG) met on two occasions to discuss the issues raised regarding Adult Family Homes and Intensive Tenant Support Facilities. The TAG was formed in response to an appeal, which argued that the current code language was in conflict with the Federal Fair Housing Act. The TAG's recommendation is to deny the appeal as presented. Steve noted that the TAG also recommended that the Council request an official Attorney General's opinion on the issue.

Dave Saunders asked if the question to present to the AG's office had been drafted. Al Rhoades stated that it had not, but the question raised is whether the AFH requirements in the building code violate federal fair housing.

Tim Nogler reported that he discussed the issue in a recent meeting with the Council's Assistant Attorney General (AAG). They are concerned about how the question will be stated because it will affect whether or not an answer can be given. Tim stated that there might be some issues in terms of whether or not the question can be addressed in a formal AG opinion. An informal opinion can be asked in more general terms that will specify what the Council has authority to do. In discussions held with the Council's AAG, we have been told that the state has authority to adopt provisions that are reasonable and specific to the occupants of AFHs. There is also a general sense that the state is not preempted by federal fair housing from adopting any requirements beyond what is required in single family homes.

Steve Nuttall stated that it was clear to the TAG that it was ultimately the Council's choice as to whether or not a formal AG opinion would be sought. Steve noted that another option would be to have Council staff bring to the next meeting a draft question and recommendations as to whether a formal or informal opinion should be sought.

### **Motion #1:**

**Steve Nuttall moved to accept the report from the Adult Family Home TAG and refer it to the Council. Specifically, that the request for appeal be denied and that a clarifying question be asked, at some level, of the Attorney General's Office. Bill Misocky seconded the motion. The motion passed unanimously.**

## **INTERPRETATION REQUESTS**

### **Uniform Building Code**

#### City of SeaTac

Al Rhoades reviewed the changes in the revised draft as a result of discussion at the Adult Family Homes TAG. At the last committee meeting, the first draft of this interpretation was tabled and referred to the AFH TAG for further review. Al noted that the AFH TAG felt that the interpretation as drafted was correct. There was input from the TAG that resulted in some changed language and additional information in the revised draft. Al stated that the term "Intensive Tenant Support Facilities" was changed to "Supported Living Services Homes" and a reference to DSHS regulations was added to the interpretation answer. This added information verifies that "No" is the right answer.

### **Motion #2:**

**Dave Saunders accepted the revised draft as a standing motion on the floor for approval as revised. The motion carried unanimously.**

### **Energy Code**

The Committee discussed an interpretation request from the City of Spokane regarding duct tape applications. The interpretation was tabled to get input from Council members Terry Poe and Dale Shafer. It was also requested that Council staff get further clarification from the duct tape manufacturer on proper usage.

## **DISCUSSION OF POSSIBLE RULE MAKING**

### **Uniform Building Code**

#### Elevator Pressurization

The request before the Council is to enter emergency rule making to delete Exception 4 of Section 1004.3.4.5, elevator lobby requirements, in the state amendments to the Uniform Building Code (UBC). Al stated that this amendment was first introduced in the 1994 Edition of the UBC and has been in the code since July 1 of 1995. Al noted that Section 905 of the code deals with smoke control and he directed the Committee to code language from the City of

Seattle. Al noted that there are technical differences in providing pressurization in stair shafts and elevator shafts. The City of Seattle code includes amendments specific to elevator shafts so they could use this amendment to **not** provide elevator lobbies.

The proponent of the amendment request, Frank Mellas, feels that it is an important issue and should be dealt with as an emergency rule. Mr. Mellas noted that these systems have not been tested and are impossible to implement per code requirements. He asked that the language be taken out of the body of the code and allow the building official to make their own decision on these installations through alternate means and methods. Steve Nuttall stressed that the code could be complied with if engineered systems were used.

In Sue Alden's written comments, she stated that the amendment should be retained with the addition of the Seattle Code's additional requirements.

The Committee discussed if the amendment request should be considered as an emergency rule.

Steve suggested including a representative from the Department of Labor and Industries elevator section in this discussion.

The Committee felt that the issue should be addressed, but that it **did not** meet the criteria of an emergency rule. They did want to see it go forward for review and agreed to recommend permanent rule making. It was further agreed that a technical advisory group should be convened to facilitate the process.

### **Motion #3:**

**Steve Nuttall moved that the Committee recommend to the Council to enter permanent rulemaking on the issue of elevator shaft pressurization with a suggestion to the Council that a TAG be formed to study the issue. Rory Calhoun seconded the motion. The motion carried unanimously**

### **Energy Code**

Stan Price noted that the Energy Code Committee did not have enough members present to constitute a quorum and therefore would not be able to take action on any agenda items. He recommended that the Committee discuss the agenda items and forward any recommended action to the Council at their meeting this afternoon.

The Committee discussed a request from Vulcan Inc. to repeal amendments to the 2001 Energy Code regarding building thermal envelope for residential multi-unit (R-1) buildings over 5 stories.

Tim Nogler gave background information on the issue. He noted that the proponent is requesting the repeal on the basis of economic burden. The emergency rule will put into effect, for R-1 buildings over 5 stories, the previous code language after it is filed in the State Register. He also noted that an emergency rule is only valid for 120 days and would need to be re-filed until a permanent rule can be put in place. The earliest this can take place is July 1, 2003.

Dave Saunders commented that perhaps the Council should also look at other code amendments made to the 2001 WSEC for all residential applications. He noted that a significant number of questions have been asked regarding these amendments. Brian Minnich concurred with Dave Saunder's comments.

John Hogan felt that the proposal did a disservice to the citizens of the City of Seattle. He stated that this would require the city to purchase more power, from sources predominantly outside the region, over the next 30, 50 or 100 years while these buildings are existing. He also noted some errors in the proponent's request, specifically the guidelines for 15 percent glazing in high-rise multi family buildings. John noted that the glazing percentage has always been set at 15.

It was the consensus of the Committee to recommend to the Council to enter into emergency rule making to address this issue.

## **STAFF REPORT**

### TAG Membership

Tim Nogler reported that the Council received a request for membership on the UBC TAG. He noted that the current TAGs were formed in 1998. He stated that there should be some discussion by the Council in terms of the status of these TAGs. With the issues before the Council today, we are looking at holding additional TAG meetings on the window glazing and elevator shaft pressurization amendment requests. This will involve both the Building Code TAG and the Energy Code TAG.

Tim stated that he received a letter from the National Fire Protection Association (NFPA) announcing the approval of their NFPA 5000 Building Code. They are requesting that the Council review this code and consider it for adoption. Tim stated that this issue will also be discussed during our Legislative Committee this afternoon. Tim also noted that there may be a need for TAG review of the International Residential Code. Review of these two issues will further warrant the need to look at TAG status. Dave Saunders stated that there may be a need to contact current TAG members to determine if they are still willing and able to serve at the TAG level.

### Overfill Protection Devices on Propane Tanks

Tim reported that an issue has come to the Council's attention through the Consumer Product Safety Commission, the State Department of Agriculture, and a state legislator from the Spokane area on overfill protection devices on propane tanks. Propane tanks are regulated under the fire code. The propane industry, including propane distributors, are following the 1998 NFPA Standard 58, which requires an overfill protection device be in place prior to filling. That has not been adopted under our process. Our fire code references the 1989 NFPA 58. Overfill protection devices are not currently required under our code. At this point it is under the discretion of the distributors whether or not they follow the most current standard. This will be an issue when we look at updating the Fire Code.

There being no further business, the meeting was adjourned at 12:15 p.m.